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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

1:23-cr-000347-JGK-2

5 RONI COHEN-PAVON,

6 Defendant.

Plea

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7
8 New York, N.Y.
September 13, 2023
9 11:00 a.m.

10 Before:

11 HON. JOHN G. KOELTL,

12 District Judge

13
14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
Southern District of New York

17 BY: ADAM S. HOBSON, ESQ.

ALLISON C. NICHOLS, ESQ.

18 Assistant United States Attorney

19 DECHERT, LLP

Attorneys for Defendant

20 BY: JEFFREY BROWN, ESQ.

NICHOLAS GERSH, ESQ.

21
22 ALSO PRESENT: BRANDON RACZ, Special Agent, FBI

23 SIMPSON THACHER & BARTLETT LLP

Curcio Counsel

24 BY: MARK J. STEIN, ESQ.

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(Case called)

THE DEPUTY CLERK: Will all parties please state who they are for the record.

MR. HOBSON: Good morning, your Honor.

Adam Hobson and Allison Nichols for the government.

We're joined by Special Agent Brandon Racz from the Federal Bureau of Investigation.

MS. NICHOLS: Good morning, your Honor.

BY MR. BROWN: Good morning, your Honor.

Jeffrey Brown from the law firm of Dechert joined by Nicholas Gersh, for Mr. Cohen-Pavon, who is seated to my left.

THE COURT: Good morning.

Some introductory issues: First, the defendant is represented by Mr. Gersh and Mr. Brown from Dechert. My nephew-in-law is a partner at Dechert but doesn't share in any of the income from any cases where I'm the judge. So I don't disqualify myself in cases where Dechert appears. Nothing about that affects anything that I do in the case, but I bring it to your attention at the outset.

Second, I received a letter from the government dated September 12 advising of a potential conflict that Mr. Gersh has because he's applied to the U.S. Attorney's Office for a position with the office. And so I'll conduct a *Curcio* inquiry at the outset.

How does the defendant wish to be addressed?

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1 Mr. Pavon? Or Mr. Cohen-Pavon?

2 THE DEFENDANT: Mr. Cohen-Pavon, your Honor.

3 THE COURT: Mr. Cohen-Pavon. Okay.

4 So, Mr. Cohen-Pavon, as I'm sure you've been advised,
5 one of the attorneys from Dechert who is representing you,
6 Mr. Gersh, has applied for a position in the United States
7 Attorney's Office. So there is a procedure called a *Curcio*
8 procedure after the name of a Court of Appeals case called
9 *Curcio* in which there's inquiry to assure that you're aware of
10 the potential conflict, you're aware of its ramifications, and
11 you make a decision as to whether you wish to proceed with
12 Mr. Gersh and Dechert or not, because a defendant has a right
13 to be represented by lawyers who have absolutely no conflicts
14 of interest, either actual or potential. And if the defendant
15 cannot afford counsel without any conflicts, the Court will
16 appoint counsel for the defendant. So when there is notice of
17 a potential conflict, the Court has an obligation to inquire of
18 the defendant to make sure that the defendant is aware of his
19 right to be represented by lawyers who have absolutely no
20 conflicts and determine whether the defendant wishes to proceed
21 with his lawyers who have a potential conflict or wishes simply
22 to have another lawyer. And if the defendant can't pay for
23 another lawyer, the Court will appoint another lawyer.

24 The first part of the inquiry is to assure that the
25 defendant is competent to make the decision as to whether to

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1 waive any potential conflicts or not. So I'll make an inquiry
2 with respect to your competence, and then proceed to advise you
3 of your rights and of the potential conflict and to determine
4 whether you wish to proceed with Mr. Gersh or not and whether
5 you wish to waive any potential conflict.

6 Do you understand all of that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: So let me start. Tell me your full name,
9 please.

10 THE DEFENDANT: Roni Mr. Cohen-Pavon, your Honor.

11 THE COURT: How old are you?

12 THE DEFENDANT: Thirty-six years old.

13 THE COURT: Mr. Cohen-Pavon, Mr. Fletcher will
14 administer the oath to you.

15 (Defendant affirmed)

16 THE DEPUTY CLERK: Please state your name for the
17 record.

18 THE DEFENDANT: Roni Cohen-Pavon.

19 THE DEPUTY CLERK: Thank you.

20 THE COURT: Mr. Cohen-Pavon, do you understand that
21 you're now under oath and that if you answer any of my
22 questions falsely, your false or untrue answers may later be
23 used against you in another prosecution for perjury or making a
24 false statement?

25 THE DEFENDANT: I do, your Honor.

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1 THE COURT: You've told me that you're thirty-six
2 years old, right?

3 THE DEFENDANT: Yes.

4 THE COURT: How far did you go in school?

5 THE DEFENDANT: First degree.

6 THE COURT: Are you able to speak and understand
7 English?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: Are you now or have you recently been
10 under the care of a doctor or a psychiatrist?

11 THE DEFENDANT: No, your Honor.

12 THE COURT: Have you ever been treated or hospitalized
13 for any mental illness or any type of addiction including drug
14 or alcohol addiction?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: In the past 24 hours, have you taken any
17 drugs, medicine, or pills, or have you drunk any alcohol?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Is your mind clear today?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you feeling all right today?

22 THE DEFENDANT: Yes.

23 THE COURT: Do either counsel have any doubt as to the
24 defendant's competence at this time?

25 MR. HOBSON: No, your Honor.

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1 MR. BROWN: No, your Honor.

2 THE COURT: Mr. Cohen-Pavon, you can actually have a
3 seat.

4 I've explained to you at the outset, Mr. Cohen-Pavon,
5 the reason for this proceeding, namely, to determine whether
6 you're fully aware of the potential conflict that Mr. Gersh has
7 and to determine whether you wish to continue with his
8 representation and to waive any potential conflicts. So am I
9 right that you're currently represented by Jeffrey Brown and
10 Nicholas Gersh of the law firm of Dechert, LLP?

11 THE DEFENDANT: Yes.

12 THE COURT: Are you satisfied with their
13 representation of you?

14 THE DEFENDANT: I am.

15 THE COURT: Do you know that Mr. Gersh has applied for
16 a position as an assistant united states attorney in the
17 Southern District of New York, that is a member of the
18 prosecutor's office that is currently prosecuting you in this
19 case?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Because of Mr. Gersh's application to be
22 employed by the U.S. Attorney's Office, there are potential
23 conflicts that arise. As I've told you, you're entitled to be
24 represented by lawyers who have absolutely no conflicts of
25 interest, whose loyalty is to you alone and who have nothing

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1 that might interfere with your representation.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: And it's important to the representation
5 of counsel that counsel have no conflicts of interest and no
6 loyalties to anyone or anything other than you.

7 Do you understand that?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: So Mr. Gersh's potential employment and
10 his application for employment with the U.S. Attorney's Office
11 presents a potential conflict because he may have some
12 allegiance to the U.S. Attorney's Office for the Southern
13 District of New York; he may want to shade his representation
14 of you in a way that benefits his application to the U.S.
15 Attorney's Office; he may wish to curry favor with the U.S.
16 Attorney's Office by the way in which he represents you.

17 Do you understand that?

18 THE DEFENDANT: I do.

19 THE COURT: It's a possibility. I'm not saying it
20 would happen, but it's a possibility.

21 So being aware of that, you have the opportunity to
22 say that you don't wish to be represented by Mr. Gersh. Or you
23 can say that you wish to continue to be represented by
24 Mr. Gersh and you wish to waive any potential conflict that he
25 may have in representing you.

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1 Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Have you discussed this potential conflict
4 with Mr. Gersh?

5 THE DEFENDANT: Yes.

6 THE COURT: And have you discussed it with Mr. Brown?

7 THE DEFENDANT: Yes.

8 THE COURT: It's important that I understand that
9 you're aware of the conflict and the potential conflict. So
10 could you tell me in your own words what the potential conflict
11 is?

12 THE DEFENDANT: The potential conflict is that
13 Mr. Gersh will use the fact he's advising me on this case for
14 his own personal benefit as part of the application.

15 THE COURT: I'm prepared, and I will actually appoint
16 another lawyer to represent you so that you can consult with
17 that other lawyer to make sure that you've fully considered the
18 potential conflict, that you're fully aware of the conflict,
19 and to make a determination, help you make a determination of
20 whether you wish to waive the conflict and continue with
21 Mr. Gersh or not.

22 So at this point what I'm going to do is appoint Mark
23 Stein, who is a distinguished lawyer and a member of the
24 Criminal Justice Act Panel for this district to consult with
25 you before you make a decision whether you wish to waive the

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1 conflict.

2 So we'll take a brief adjournment so you can consult
3 with Mr. Stein.

4 Mr. Stein, do you have any conflicts in this case at
5 all?

6 MR. STEIN: I do not, your Honor.

7 THE COURT: Mr. Stein is being appointed solely to
8 represent you, to discuss with you the potential conflict, and
9 to determine whether you wish to waive that conflict and
10 continue with Mr. Gersh or not. Anything that you say to
11 Mr. Stein is completely confidential between you and Mr. Stein.
12 The purpose of appointing Mr. Stein is solely to consult with
13 you. He has no interest in the case. His interest is solely
14 to represent you and to determine whether you wish to waive any
15 conflicts that Mr. Gersh has and whether you wish to continue
16 be with Mr. Gersh.

17 So we'll take a brief recess to let you consult with
18 Mr. Stein.

19 (Recess)

20 THE COURT: Mr. Cohen-Pavon, have you had an
21 opportunity to consult with Mr. Stein?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you want any more time to consult with
24 Mr. Stein or think about your decision?

25 THE DEFENDANT: No, I don't.

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1 THE COURT: Having consulted with Mr. Stein, do you
2 wish to give up or waive any potential conflict that Mr. Gersh
3 has? And do you wish to continue with Mr. Gersh as one of your
4 lawyers?

5 THE DEFENDANT: Yes, I do. I have full trust in
6 Mr. Gersh, and I waive any conflict in this respect.

7 THE COURT: Have you received any inducements,
8 promises, or threats to you to get you to agree to continue
9 with Mr. Gersh and to waive any potential conflicts?

10 THE DEFENDANT: No, I didn't.

11 THE COURT: Do you understand that by waiving any
12 potential conflicts that Mr. Gersh may have, you're waiving
13 them for today and throughout this proceeding and any appeal or
14 any other ancillary proceedings? It's a waiver for today and
15 forever.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: So, Mr. Stein, having consulted with
19 Mr. Cohen-Pavon, do you know of any reason that he should not
20 waive or be able to waive the potential conflict?

21 MR. STEIN: I do not, your Honor.

22 THE COURT: Thank you, Mr. Stein.

23 So, Mr. Gersh, do you believe that you're able to
24 represent Mr. Cohen-Pavon and that any potential conflict that
25 you have will not interfere at all with your representation of

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1 Mr. Cohen-Pavon?

2 MR. GERSH: I do, your Honor.

3 THE COURT: Mr. Brown, do you also agree with that?

4 MR. BROWN: I do, your Honor.

5 THE COURT: Having considered all of the facts and
6 issues, I find that while there is a potential conflict that
7 Mr. Gersh has, the conflict is only a potential conflict and is
8 certainly waivable. I also find that Mr. Cohen-Pavon has
9 knowingly and voluntarily waived any potential conflict.

10 So, Mr. Stein, thank you for your representation, and
11 you're excused.

12 MR. STEIN: Thank you, your Honor.

13 THE COURT: You're certainly welcome to stay if you
14 wish.

15 (Pause)

16 THE COURT: So that brings us then to the next part,
17 which is the plea. I understand from the correspondence that
18 the defendant wishes to enter a plea of guilty to Counts Four,
19 Five, and Six of the indictment pursuant to a plea agreement
20 dated September 11, 2023.

21 I have the unsigned copy that was provided to me. Is
22 there an executed copy?

23 MR. HOBSON: There is, your Honor. And, your Honor
24 I'll just note, it's Counts Four, Five, Six, and Seven. Count
25 Seven is on the second page of the agreement.

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1 THE COURT: Right. Thank you.

2 There was also a reference in the correspondence to a
3 letter from the government dated September 5, 2023, a request
4 to be filed under seal. I have the letter now. I've checked
5 the docket sheet. There are no docket entries after
6 August 30th. Was the September 5th letter signed?

7 MR. HOBSON: The September 5th letter was submitted
8 to chambers by email as per an instruction from magistrate
9 court.

10 THE COURT: It's fine. I'll so-order the
11 September 5th letter. Nothing has been filed. And I assume
12 that after today, you'll be seeking to unseal.

13 MR. HOBSON: That's correct, your Honor. We had
14 requested delayed docketing of the arraignment last week and of
15 today's plea proceedings. After the end of today's
16 proceedings, we no longer see a need for delayed docketing.

17 THE COURT: It may be academic, but I've signed the
18 September 5th letter.

19 And I take it from the correspondence that the
20 defendant was presented before the magistrate judge and was
21 arraigned on the indictment at that time?

22 MR. HOBSON: That's correct, your Honor.

23 THE COURT: I've marked the September 11, 2023 plea
24 agreement as Court Exhibit 1. It indicates that the defendant
25 wishes to plead guilty to Counts Four, Five, Six, and Seven of

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1 the indictment.

2 And I take it that's what the defendant wishes to do.
3 Right, Mr. Brown?

4 MR. BROWN: Yes, your Honor.

5 THE COURT: Mr. Fletcher, please administer the oath
6 to the defendant.

7 THE DEPUTY CLERK: You may be seated.

8 (Defendant affirmed)

9 THE DEPUTY CLERK: You may put your hand down.

10 Please state your name for the record.

11 THE DEFENDANT: Roni Cohen-Pavon.

12 THE DEPUTY CLERK: Thank you.

13 THE COURT: Mr. Cohen-Pavon, do you understand that
14 you're now under oath and that if you answer any of my
15 questions falsely, your false or untrue answers may later be
16 used against you in another prosecution for perjury or making a
17 false statement?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Tell me your full name, please.

20 THE DEFENDANT: Roni Cohen-Pavon.

21 THE COURT: How old are you?

22 THE DEFENDANT: Thirty-six years old.

23 THE COURT: How far did you go in school?

24 THE DEFENDANT: First degree.

25 THE COURT: What does that mean? First degree? Is

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1 that a college degree or university degree?

2 THE DEFENDANT: University degree.

3 THE COURT: Okay.

4 THE DEFENDANT: In law.

5 THE COURT: Are you a citizen of the United States?

6 THE DEFENDANT: No, I'm not.

7 THE COURT: Are you able to speak and understand
8 English.

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Are you now or have you recently been
11 under the care of a doctor or a psychiatrist?

12 THE DEFENDANT: No.

13 THE COURT: Have you ever been treated or hospitalized
14 for any mental illness or any type of addiction including drug
15 or alcohol addiction?

16 THE DEFENDANT: No.

17 THE COURT: In the past 24 hours, have you taken any
18 drugs, medicine, or pills, or have you drunk any alcohol?

19 THE DEFENDANT: No.

20 THE COURT: Is your mind clear today?

21 THE DEFENDANT: Yes.

22 THE COURT: Are you feeling all right today?

23 THE DEFENDANT: Yes.

24 THE COURT: Do either counsel have any doubt as to the
25 defendant's competence to plead at this time?

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1 MR. HOBSON: No, your Honor.

2 MR. BROWN: No, your Honor.

3 THE COURT: Mr. Cohen-Pavon, Mr. Brown, your lawyer,
4 has informed me that you wish to enter a plea of guilty to
5 Counts Four, Five, Six, and Seven of the indictment. Is that
6 what you wish to do?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Have you had a full opportunity to discuss
9 your case with your lawyers?

10 THE DEFENDANT: Yes. Yes. I have.

11 THE COURT: Have you had a full opportunity to discuss
12 the consequences of entering a plea of guilty?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Are you satisfied with your lawyers and
15 their representation of you?

16 THE DEFENDANT: Yes, I am.

17 THE COURT: On the basis of Mr. Cohen-Pavon's
18 responses to my questions and my observations of his demeanor,
19 I find that he is fully competent to enter an informed plea at
20 this time.

21 Mr. Cohen-Pavon, before I accept any plea from you,
22 I'm going to be asking you certain questions. My questions are
23 intended to satisfy me that you wish to plead guilty because
24 you are, in fact, guilty and that you fully understand the
25 consequence of your plea, and, furthermore, that you are

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1 pleading guilty knowingly, and voluntarily, and that there is
2 an independent basis in fact for your plea.

3 Do you understand that?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: I'm now going to describe to you certain
6 rights that you have under the Constitution and laws of the
7 United States, which rights you will be giving up if you enter
8 a plea of guilty. Please listen to me very carefully. If
9 there's anything that I say that you don't understand, please
10 ask me to stop. Either I or Mr. Brown will explain it to you
11 more fully.

12 All right?

13 THE DEFENDANT: Yes. Thank you.

14 THE COURT: Mr. Cohen-Pavon, under the Constitution
15 and laws of the United States, you have a right to a speedy and
16 public trial by a jury on the charges against you which are
17 contained in the indictment.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: If there were a trial, you would be
21 presumed to be innocent and the government would be required to
22 prove you're guilty by competent evidence and beyond a
23 reasonable doubt. You would not have to prove that you were
24 innocent at trial.

25 Do you understand that?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: If there were a trial, a jury composed of
3 twelve people selected from this district would have to agree
4 unanimously that you were guilty.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: If there were a trial, you would have the
8 right to be represented by a lawyer, and if you could not
9 afford a lawyer, a lawyer would be provided to you free of
10 cost.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: In fact, Mr. Cohen-Pavon, you have a right
14 to be represented by a lawyer at the trial and at every other
15 stage of the proceedings against you, and if you cannot afford
16 a lawyer, a lawyer would be provided to you free of cost.

17 Do you understand that?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: If there were a trial, you would have the
20 right to see and hear all of the witnesses against you and your
21 attorney could cross-examine them. You would have a right to
22 have your attorney object to the government's evidence and
23 offer evidence on your behalf if you so desired. And you would
24 have the right to have subpoenas issued or other compulsory
25 process used to compel witnesses to testify in your defense.

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1 And you would not be required to testify.

2 Do you understand all of that?

3 THE DEFENDANT: Yes, I do, your Honor.

4 THE COURT: If there were a trial, you would have the
5 right to testify, if you wanted to, but no one could force you
6 to testify, if you didn't want to. And furthermore, no
7 inference or suggestion of guilt could be drawn if you chose
8 not to testify at trial.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Mr. Cohen-Pavon, do you understand that
12 each and every one of the rights that I've described to you?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Do you have any questions about any of
15 those rights?

16 THE DEFENDANT: No, I don't.

17 THE COURT: Do you understand that by entering a plea
18 of guilty today you're giving up each and every one of those
19 rights, that you are waiving those rights, and that you will
20 have no trial?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Do you understand that you can change your
23 mind right now and refuse to enter a plea of guilty, you don't
24 have to enter this plea if you don't want to for any reason at
25 all?

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1 Do you understand that completely?

2 THE DEFENDANT: I understand.

3 THE COURT: Mr. Cohen-Pavon, you've received a copy of
4 indictment against you; is that correct?

5 THE DEFENDANT: Yes.

6 THE COURT: And have you read it?

7 THE DEFENDANT: Yes, I have.

8 THE COURT: Do you understand what you are charged
9 with in the indictment?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that if you did not
12 plead guilty, the government would be required to prove each
13 and every part or element of the charges against you which are
14 contained in the indictment beyond a reasonable doubt at trial?

15 THE DEFENDANT: Yes, I understand.

16 THE COURT: I'm going to go over with you now
17 Counts Four, Five, Six, and Seven to assure myself that you
18 understand what you are charged with, what the government would
19 be required to prove beyond a reasonable doubt at trial, and
20 what the maximum penalty is for each of those counts.

21 Count Four of the indictment charges a conspiracy to
22 manipulate the price of CEL. It charges in substance that the
23 allegations contained in paragraphs 1 through 71 of this
24 Indictment are hereby repeated, re-alleged, and incorporated by
25 reference as if fully set forth herein.

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1 From at least in or about 2019 through at least in or
2 about June 2022, in the Southern District of New York and
3 elsewhere, Alexander Mashinsky and Roni Cohen-Pavon, the
4 defendants, and others known and unknown, willfully and
5 knowingly, did combine, conspire, confederate, and agree
6 together and with each other to commit offenses against the
7 United States, to wit, securities fraud, in violation of
8 Title 15, United States Code, Sections 78j(b) and 78ff, and
9 Title 17, Code of Federal Regulations, Section 240.10b-5;
10 market manipulation, in violation of Title 15, United States
11 Code, Sections 78i(a)(2), and 78ff; and wire fraud, in
12 violation of Title 18, United States Code, Section 1343.

13 It was a part and an object of the conspiracy that
14 Alexander Mashinsky and Roni Cohen-Pavon, the defendants, and
15 others known and unknown, willfully and knowingly, directly and
16 indirectly, by use of a means and instrumentality of interstate
17 commerce and of the mails, and a facility of a national
18 securities exchange would and did use and employ, in connection
19 with the purchase and sale of a security, a manipulative and
20 deceptive device and contrivance in violation of Title 17, Code
21 of Federal Regulations, Section 240.10b-5 by: (a) employing a
22 device, scheme, and artifice to defraud; (b) making an untrue
23 statement of a material fact and omitting to state a material
24 fact necessary in order to make the statements made, in light
25 of the circumstances under which they were made, not

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1 misleading; and (c) engaging in an act, practice, and course of
2 business which operated and would operate as a fraud and deceit
3 upon a person in violation of Title 15, United States Code,
4 Section 78j(b) and 78ff, to wit, Mashinsky and Cohen-Pavon
5 agreed to and did exchange in a scheme to defraud investors in
6 CEL token by artificially manipulating the market for CEL token
7 and through making false and misleading statements about
8 Celsius' purchases of CEL token and making false and misleading
9 statements about Mashinsky's own sales of CEL token.

10 It was further apart and an object of the conspiracy
11 that Alexander Mashinsky and Roni Cohen-Pavon, the defendants,
12 and others known and unknown, willfully and knowingly would and
13 did, directly and indirectly, by the use of the mails and a
14 means and instrumentality of interstate commerce, and of a
15 facility of a national securities exchange, and for a member of
16 a national securities exchange, effected, alone and with one or
17 more other persons, a series of transactions in a security
18 registered on a national securities exchange, a security not so
19 registered, and in connection with a security-based swap or
20 security-based swap agreement with respect to such security
21 creating actual or apparent active trading in such security,
22 and raising and depressing the price of such security, for the
23 purpose of inducing the purchase or sale of such security by
24 others, in violation of Title 15, United States Code,
25 Sections 78i(a)(2) and 78ff, to wit, Mashinsky and Cohen-Pavon

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1 agreed and did engage in a series of transactions in CEL in
2 order to artificially raise the price of CEL and induce others
3 to purchase CEL.

4 It was further apart and an object of the conspiracy
5 that Alexander Mashinsky and Roni Cohen-Pavon, the defendants,
6 and others known and unknown, knowingly having devised and
7 intending to devise a scheme and artifice to defraud, and for
8 obtaining money and property by means of false and fraudulent
9 pretenses, representations, and promises, transmitted and
10 caused to be transmitted by means of wire, radio, and
11 television communication in interstate and foreign commerce,
12 writings, signs, signals, pictures, and sounds for the purpose
13 of executing such scheme and artifice, in violation of
14 Title 18, United States Code, Section 1343, to wit, Mashinsky
15 and Cohen-Pavon agreed to and did engage in a scheme to defraud
16 investors in CEL token by manipulating the market for CEL
17 token, making false and misleading statements about Celsius'
18 market activity in CEL, and making false and misleading
19 statements about Mashinsky's own sales of CEL token.

20 Overt acts: In furtherance of the conspiracy and to
21 effect the illegal objects thereof, the following overt acts,
22 among others, were committed in the Southern District of New
23 York and elsewhere:

24 A. On or about July 14, 2020, Alexander Mashinsky,
25 the defendant, instructed another co-conspirator not named

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1 herein by electronic message to cause Celsius to purchase CEL
2 token in the market in order to artificially manipulate the
3 price the CEL.

4 B. On or about October 21, 2020, Mashinsky personally
5 purchased CEL in the market in order to artificially support
6 the price of CEL.

7 C. On or about October 30, 2021, Mashinsky and Roni
8 Cohen-Pavon, the defendant, discussed by electronic message a
9 plan to artificially manipulate the price of CEL.

10 D. On or about January 7, 2022, Mashinsky made false
11 and misleading public statements regarding Celsius' market
12 purchase of CEL.

13 E. On or about November 5, 2021, Mashinsky made false
14 and misleading public statements regarding his own sales of
15 CEL.

16 All of this in violation of Title 18, United States
17 Code, Section 371.

18 Mr. Cohen-Pavon, do you understand that's what you're
19 charged with in Count Four of the indictment?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Do you understand that if you did not
22 plead guilty, the government would be required to prove beyond
23 a reasonable doubt at trial:

24 First, that two or more persons entered into the
25 unlawful agreement charged in Count Four beginning in or about

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1 2019; second, that you, the defendant, knowingly and willfully
2 became a member of the conspiracy; third, that one of the
3 members of the conspiracy knowingly committed at least one of
4 the overt acts charged in the indictment; and finally, the
5 overt act or acts which the jury found to have been committed
6 was or were committed to further some objective of the
7 conspiracy?

8 Do you understand that the government would be
9 required to prove all of that beyond a reasonable doubt at
10 trial?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Do you understand that the maximum penalty
13 for the crime charged in Count Four is a maximum sentence of
14 five years' imprisonment, a maximum term of three years'
15 supervised release, a maximum fine of the greatest of \$250,000
16 or twice the gross pecuniary gain derived from the offense or
17 twice the gross pecuniary loss to a person or persons other
18 than yourself as a result of the offense and a mandatory \$100
19 special assessment?

20 Do you understand that's the maximum penalty for the
21 crime charged in Count Four?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Count Five of the indictment charges a
24 fraudulent scheme to manipulate the price of CEL. The
25 indictment charges that the allegations contained in paragraphs

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1 1 through 71 and 83 of the indictment are repeated, re-alleged,
2 and incorporated by reference as if fully set forth herein.

3 Then it goes on to charge that from at least in or
4 about 2019 through at least in or about June 2022, in the
5 Southern District of New York and elsewhere, Alexander
6 Mashinsky and Roni Cohen-Pavon, the defendants, willfully and
7 knowingly, directly and indirectly, by use of a means and
8 instrumentality of interstate commerce and of the mails, and a
9 facility of a national securities exchange, used and employed,
10 in connection with the purchase and sale of a security, a
11 manipulative and deceptive device and contrivance, in violation
12 of Title 17, Code of Federal Regulations Section 240.10b-5 by:
13 (a) employing a device, scheme, and artifice to defraud; (b)
14 making an untrue statement of a material fact and omitting to
15 state a material fact necessary in order to make the statements
16 made, in light of the circumstances under which they were made,
17 not misleading and; (c) engaging in an act, practice, and
18 course of business which operated and would operate as a fraud
19 and deceit upon a person to wit, Mashinsky and Cohen-Pavon
20 engaged in a scheme to defraud investors in CEL token by
21 artificially manipulating the market for CEL token and through
22 making false and misleading statements about Celsius' purchases
23 of CEL token and making false and misleading statements about
24 Mashinsky's own sales of CEL token in violation of Title 15,
25 United States Code, Sections 78j(b) and 78ff; Title 17, Code of

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1 Federal Regulations, Section 240.10b-5; and Title 18, United
2 States Code, Section 2.

3 Do you understand that's what you're charged with in
4 Count Five of the indictment?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Do you understand if you did not plead
7 guilty, the government would be required to prove beyond a
8 reasonable doubt at trial that you, the defendant, did any of
9 the following: 1, employed a device, scheme, or artifice to
10 defraud; or 2, made an untrue statement of a material fact or
11 omitted to state a material fact that made what was said under
12 the circumstances misleading; or, 3, engaged in an act,
13 practice, or course of business that operated or would operate
14 as a fraud or deceit upon a purchaser or seller.

15 Second, that you, the defendant, acted willfully,
16 knowingly, and with the intent to defraud.

17 And, third, that the defendant knowingly used or
18 caused to be used any means or instruments of transportation or
19 communication in interstate commerce or the use of the mails in
20 furtherance of the fraudulent conduct.

21 Do you understand the government would be required to
22 prove all of that beyond a reasonable doubt at trial?

23 THE DEFENDANT: Yes, I do, your Honor.

24 THE COURT: Do you understand that the maximum penalty
25 for the crime charged in Count Five is a maximum sentence of 20

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1 years' imprisonment, a maximum term of three years' supervised
2 release, a maximum fine of the greatest of \$5 million or twice
3 the gross pecuniary gain derived from the offense or twice the
4 gross pecuniary loss to a person or persons other than yourself
5 as a result of the offense, and a mandatory \$100 special
6 assessment?

7 Do you understand that's the maximum penalty for the
8 crime charged in Count Five the indictment?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Count Six of the indictment charges market
11 manipulation of CEL token.

12 It repeats the allegations contained in paragraphs 1
13 through 71 and 83 of the indictment as re-alleged and
14 incorporated by reference as if fully set forth in Count Six.

15 And then goes on to charge that from at least in or
16 about 2019 through at least in or about June 2022, in the
17 Southern District of New York and elsewhere, Alexander
18 Mashinsky and Roni Cohen-Pavon, the defendants, willfully and
19 knowingly, would and did, directly and indirectly, by the use
20 of the mail and a means or instrumentality of interstate
21 commerce, and of a facility of a national securities exchange,
22 and for a member of a national securities exchange, effected,
23 alone and with one and more other persons, a series of
24 transactions in a security registered on a national securities
25 exchange, a security not so registered, and in connection with

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1 the security-based swap or security-based swap agreement with
2 respect to such security creating actual or apparent active
3 trading in such security, and raising and depressing of price
4 of such security, for the purpose of inducing the purchase or
5 sale of such security by others, to wit, Mashinsky and
6 Cohen-Pavon engaged in a series of transactions in CEL in order
7 to artificially raise the price of CEL and induce others to
8 purchase CEL in violation of Title 15, United States Code,
9 Sections 78i(a)2 and 78ff, and Title 18, United States Code,
10 Section 2.

11 Do you understand that's what you are charged with in
12 Count Six --

13 THE DEFENDANT: Yes.

14 THE COURT: -- of the indictment?

15 THE DEFENDANT: Yes, I do, your Honor.

16 THE COURT: I don't have in front of me the elements
17 for a violation of 78i(a)2 in terms of market manipulation.

18 MR. HOBSON: I can provide those to the Court if you
19 would like.

20 THE COURT: Sure.

21 MR. HOBSON: We understand that it has three elements:
22 First, that the defendant, through a series of transactions
23 either created actual or apparent trading in the security or
24 raised or depressed the price of the security or aided and
25 abetted the same; second, that the defendant acted for the

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1 purpose of inducing the purchase or the sale of the security by
2 others; and, third, that the defendant acted willfully and with
3 a manipulative purpose.

4 THE COURT: Thank you.

5 Mr. Cohen-Pavon, do you understand that the government
6 would be required to prove all of those elements beyond a
7 reasonable doubt at trial?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: Do you understand that the maximum penalty
10 for the crime charged in Count Six is 20 years' imprisonment, a
11 maximum term of three years' supervised release, a maximum fine
12 of the greatest of \$5 million or twice the gross pecuniary gain
13 derived from the offense or twice the gross pecuniary loss to a
14 person or persons other than yourself as a result of the
15 offense, and a mandatory \$100 assessment?

16 Do you understand that's the maximum penalty for the
17 crime charged in Count Six?

18 THE DEFENDANT: Yes.

19 THE COURT: Count Seven charges wire fraud in
20 connection with CEL token manipulation.

21 It repeats and re-alleges the allegations contained in
22 paragraphs 1 through 71 and 83, and incorporates them by
23 reference and goes on to charge that: From at least in or
24 about 2018 through at least in or about June 2022, in the
25 Southern District of New York and elsewhere, Alexander

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1 Mashinsky and Roni Cohen-Pavon, the defendants, knowingly
2 having devised and intending to devise a scheme and artifice to
3 defraud, and for obtaining money and property by means of false
4 and fraudulent pretenses, representations, and promises,
5 transmitted and caused to be transmitted by means of wire,
6 radio, and television communication in interstate and foreign
7 commerce, writings, signs, signals, pictures, and sounds for
8 the purpose of executing such scheme and artifice, to wit,
9 Mashinsky and Cohen-Pavon engaged in a scheme to defraud
10 investors in CEL token by artificially manipulating the market
11 for CEL token and through making false and misleading
12 statements about Celsius' purchase of CEL token and making
13 false and misleading statements about Mashinsky's own sales of
14 CEL token, including using interstate wires, some of which
15 transited through the Southern District of New York in
16 violation of Title 18, United States Code, Sections 1343 and 2.

17 Do you understand that's what you were charged with in
18 Count Seven of the indictment?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: And do you understand that if you did not
21 plead guilty, the government would be required to prove beyond
22 a reasonable doubt at trial:

23 First, that there was a scheme or artifice to defraud
24 or to obtain money or property by materially false and
25 fraudulent pretenses, representations, or promises as alleged

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1 in the indictment.

2 Second, that you, the defendant, knowingly and
3 willfully participated in the scheme or artifice to defraud
4 with knowledge of its fraudulent nature and with specific
5 intent to defraud.

6 And third, that in execution of that scheme, you, the
7 defendant, used or caused the use of the interstate wires as
8 specified in the indictment.

9 Do you understand that the government would be
10 required to prove all of that beyond a reasonable doubt at
11 trial?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Do you understand that the maximum penalty
14 for the crime charged in Count Seven is a maximum sentence of
15 20 years' imprisonment, a maximum term of three years'
16 supervised release, a maximum fine of the greatest of \$250,000
17 or twice the gross pecuniary gain derived from the offense or
18 twice the gross pecuniary loss to a person or persons other
19 than yourself as a result of the offense, and a mandatory \$100
20 special assessment?

21 Do you understand that's the maximum sentence for the
22 crime charged in Count Seven of the indictment?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: Do you understand that when I talk about
25 supervised release, supervised release means that you will be

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1 subject to monitoring when you are released from prison and the
2 monitoring is to be on under terms and conditions which could
3 lead to re-imprisonment without a jury trial if you violate
4 them?

5 THE DEFENDANT: Yes, I understand.

6 THE COURT: And do you understand that if you violated
7 the terms of supervised release and were sentenced to prison,
8 you could be sentenced to prison for the entire term of
9 supervised release without any credit for any time you have
10 already spent on supervised release?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Do you also understand that as part of
13 your sentence, I must also order restitution to any person
14 injured as a result of your criminal conduct?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: The indictment also includes a forfeiture
17 allegation in which the government seeks to have you forfeit
18 any and all property, real and personal, that constitutes or is
19 derived from proceeds traceable to the commission of the
20 offenses including but not limited to a sum of money in United
21 States currency representing the amount of proceeds traceable
22 to the commission of the offenses?

23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: So do you understand that as part of your

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1 sentence, I can also order forfeiture?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Now, Mr. Cohen-Pavon, you're pleading
4 guilty to different counts in the indictment. Do you
5 understand that you will be separately sentenced on each of
6 those counts and that I can order that the sentences on those
7 counts be served concurrently, that is at the same time, or
8 consecutively, which means one right after the other?

9 Do you understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: So you're actually facing a potential
12 sentence of 65 years on the four counts to which you're
13 entering a plea of guilty?

14 Do you understand that?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: And I can also order that the fines be
17 added together and that the special assessments be added
18 together, so you're facing a special assessment of \$400.

19 Do you understand that all of that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Do you also understand that if I accept
22 your guilty plea and adjudge you guilty that adjudication may
23 deprive you of valuable civil rights or the right to obtain
24 valuable civil rights, such as the right to vote, the right to
25 hold public office, the right to serve on a jury, and the right

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1 to possess any kind of firearm?

2 THE DEFENDANT: Yes, I understand.

3 THE COURT: You've also told me that you're not a
4 citizen of the United States. Do you understand that your
5 conviction can be used to remove you from the United States, to
6 deny you citizenship, and to deny you admission to the United
7 States in the future?

8 Do you understand that?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: You've spoken to your lawyers about the
11 immigration consequences of your plea; is that right?

12 THE DEFENDANT: Yes, I have.

13 THE COURT: Mr. Cohen-Pavon, under current law, there
14 are sentencing guidelines that judges must consult in
15 determining your sentence. You've spoken to your lawyers about
16 the sentencing guidelines, haven't you?

17 THE DEFENDANT: Yes, I have.

18 THE COURT: Do you understand that I, as the
19 sentencing Court, will not be able to determine your guidelines
20 sentence until after the probation department has completed the
21 presentence report, and after you and your lawyers and the
22 government have had an opportunity to review the presentence
23 report, to challenge anything contained in the report, and to
24 bring those challenges to my attention?

25 Do you understand that?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: And even after it's determined what the
3 basic guidelines sentencing range is in your case, I have the
4 authority in some circumstances to depart upward or downward
5 from the sentencing guideline range otherwise provided for in
6 your case.

7 Do you understand that?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: And even after I've made that
10 determination of the appropriate guidelines sentencing range in
11 your case, taking into account any upward or downward
12 departures, I must then consult other statutory factors in
13 order to arrive at a final conclusion as to what the
14 appropriate and reasonable sentence is in your case.

15 Do you understand that?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Do you also understand that if you are
18 sentenced to prison, parole has been abolished and you will not
19 be released any earlier on parole?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Do you have any questions about that?

22 THE DEFENDANT: No.

23 THE COURT: Do you understand that if your lawyer or
24 anyone else has attempted to estimate or predict what your
25 sentence will be, that their estimate or prediction could be

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1 wrong?

2 THE DEFENDANT: I understand.

3 THE COURT: No one, Mr. Cohen-Pavon, not your lawyers,
4 not the government, no one can or should give you any assurance
5 of what your sentence will be since that sentence can only be
6 determined after the probation department has completed the
7 presentence report, after I have ruled on any challenges to the
8 report, and you after I've determined what the appropriate and
9 reasonable sentence is in your case.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Do you also understand that even if your
13 sentence is different from what your lawyers or anyone else
14 told you that it might be or if it's different from what you
15 expect it to be, you will still be bound by your guilty plea
16 and you will not be allowed to withdraw your plea of guilty?

17 Do you understand that?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Mr. Cohen-Pavon, I've been given the plea
20 agreement, which you heard me talk about at the outset, the
21 September 11, 2023 letter to your lawyer from the government.
22 It appears to be signed by you and Mr. Brown today,
23 September 13, 2023.

24 Have you signed this plea agreement?

25 THE DEFENDANT: Yes.

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1 THE COURT: Did you read the agreement before you
2 signed it?

3 THE DEFENDANT: Yes.

4 THE COURT: Did you discuss the agreement with your
5 lawyers before you signed it?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you fully understand the agreement
8 before you signed it?

9 THE DEFENDANT: Yes.

10 THE COURT: Does this letter agreement constitute your
11 complete and total understanding of the entire agreement
12 between the government, your lawyers, and you?

13 THE DEFENDANT: Yes.

14 THE COURT: Is everything that you understand about
15 your plea and your sentence contained in this plea agreement?

16 THE DEFENDANT: Yes.

17 THE COURT: Has anything been left out?

18 THE DEFENDANT: No.

19 THE COURT: Has anyone offered you any inducements or
20 threatened you or forced you to plead guilty or to enter into
21 this plea agreement?

22 THE DEFENDANT: No.

23 THE COURT: Mr. Cohen-Pavon, the Court is not bound by
24 the plea agreement or by any of the provisions in the plea
25 agreement. The Court must make an independent determination of

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1 the appropriate sentence in your case. And even if that
2 sentence differs from anything that's contained in the plea
3 agreement, you will still be bound by your guilty plea and you
4 will not be allowed to withdraw your plea of guilty.

5 Do you understand that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Mr. Brown, do you know of any valid
8 defense that would prevail at the trial of Mr. Cohen-Pavon?

9 MR. BROWN: No, your Honor.

10 THE COURT: Do you know of any reason why
11 Mr. Cohen-Pavon should not be permitted to plead guilty?

12 MR. BROWN: No, your Honor.

13 THE COURT: Mr. Cohen-Pavon, please tell me what you
14 did in connection with each of the crimes to which you are
15 entering a plea of guilty?

16 THE DEFENDANT: Yes, your Honor.

17 In October of 2021, I became responsible for
18 overseeing and approving Celsius' market purchases of the CEL
19 token. Beginning in 2019, Celsius publicly told CEL market
20 participants that the company was purchasing a certain amount
21 of CEL in the market to fund the interest payment that it owed
22 to Celsius' clients. From October 2021 through December 31,
23 2021, I oversaw and at times directly ordered a pattern of CEL
24 token purchases in excess of what the company needed to buy to
25 meet its interest obligation. I knew and understood that the

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1 purpose of these excess purchases was at least in part to
2 increase the price of the CEL token, prevent the price of CEL
3 token from dropping, and all to create the appearance of a more
4 liquid market in CEL token trading, all of which were intended
5 to, at least in part, to induce additional CEL purchases by the
6 public at prices that likely did not reflect the true market
7 price.

8 I communicated with other Celsius employees by either
9 email and telephone about these excess purchases including the
10 purpose behind the purchases, at the time agreed to order
11 excess purchases based on the -- based on agreement with or
12 orders from these other individuals.

13 Throughout this time --

14 THE COURT: I'm sorry. Hold on one sec. Could you
15 just go back a couple of sentences with respect to the
16 agreement?

17 THE DEFENDANT: I communicated -- this one, your
18 Honor?

19 THE COURT: Yes. Go ahead.

20 THE DEFENDANT: I communicated with other Celsius
21 employees by either email and telephone about these excess
22 purchases including the purpose behind the purchases and at
23 times agreed to order excess purchases based on agreement with
24 or orders from these other individuals.

25 Throughout this time period, I believe that the CEL

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1 token qualified as a security under the relevant laws and
2 regulation.

3 THE COURT: In Count Four of the indictment, one of
4 the overt acts alleged is that on or about October 30, 2021,
5 you and Mr. Mashinsky discussed by electronic message a plan to
6 artificially manipulate the price of CEL. Did you do that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: And was that in furtherance of the
9 conspiracy that you've described to me?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Were any of the electronic communications
12 that you've mentioned, did they go through Manhattan or the
13 Bronx? Do you know? I can ask the question of the government
14 also, but do you know?

15 THE DEFENDANT: No, I don't, your Honor.

16 THE COURT: What's the government's proffer with
17 respect to venue on each of the counts?

18 MR. HOBSON: Your Honor, I can proffer that Celsius
19 has an office based in New York City, in Manhattan, that
20 Defendant Alex Mashinsky was based in Manhattan, and that
21 several of the relevant emails and communications discussed
22 here were sent when Mashinsky was in Manhattan. In addition,
23 Celsius' trading was often directed out of Manhattan.

24 THE COURT: The reason that I ask these questions,
25 Mr. Cohen-Pavon, is that the government would be required to

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1 prove that there was venue for each of the counts in the
2 Southern District of New York. The Southern District of New
3 York includes Manhattan, the Bronx, Westchester, and some other
4 northern counties. The government says that it can do that. A
5 defendant has the right to be prosecuted in a district where
6 there is venue. The government says it could prove venue here
7 in the Southern District of New York.

8 For purposes of your plea, are you prepared to accept
9 that?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: When you did the acts that you've
12 described to me, did you know that what you were doing was
13 wrong and illegal?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Does the government want me to ask any
16 other questions of the defendant?

17 MR. HOBSON: No, your Honor.

18 THE COURT: Tell me what the government's evidence
19 would be at trial against the defendant.

20 MR. HOBSON: Your Honor, our evidence would include,
21 among other things, documents and communications involving the
22 defendant and other members of the conspiracy discussing the
23 plan to manipulate the price of CEL token; trading records
24 showing actual purchases made in furtherance of this plan,
25 purchases which were in excess of Celsius' public disclosures

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1 about the amount it was purchasing. It would also include
2 testimony from other members of the conspiracy and other
3 individuals at Celsius who would testify about the excess
4 purchases.

5 THE COURT: And would the government's evidence
6 establish the defendant's guilt beyond a reasonable doubt of
7 each of the counts to which he's pleading?

8 MR. HOBSON: Yes, your Honor.

9 THE COURT: Mr. Cohen-Pavon, how do you plead to the
10 charge against you in Count Four of the indictment, guilty or
11 not guilty?

12 THE DEFENDANT: Guilty, your Honor.

13 THE COURT: Mr. Cohen-Pavon, how do you plead to the
14 charge against you in Count Five of the indictment, guilty or
15 not guilty?

16 THE DEFENDANT: Guilty, your Honor.

17 THE COURT: Mr. Cohen-Pavon, how do you plead to the
18 charge against you in Count Six of the indictment, guilty or
19 not guilty?

20 THE DEFENDANT: Guilty, your Honor.

21 THE COURT: Mr. Cohen-Pavon, how do you plead to the
22 charge against you in Count Seven the indictment, guilty or not
23 guilty?

24 THE DEFENDANT: Guilty, your Honor.

25 THE COURT: Are you pleading guilty because you are,

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1 in fact, guilty?

2 THE DEFENDANT: Yes, I am.

3 THE COURT: Are you pleading guilty voluntarily and of
4 your own free will?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Before I finally accept the defendant's
7 plea, Mr. Brown, do you want me to ask any other questions of
8 the defendant?

9 MR. BROWN: No, your Honor. Thank you.

10 THE COURT: Do you know of any reason that I should
11 not accept his plea?

12 MR. BROWN: I do not.

13 THE COURT: Before I finally accept the defendant's
14 plea, does the government want me to ask any other questions of
15 the defendant?

16 MR. HOBSON: No, your Honor.

17 THE COURT: Does the government know of any reason
18 that I should not accept his plea?

19 MR. HOBSON: No, your Honor.

20 THE COURT: Mr. Cohen-Pavon, because you acknowledge
21 that you are guilty as charged in Counts Four, Five, Six, and
22 Seven of the indictment, because I find that you know your
23 rights and are waiving them knowingly and voluntarily, because
24 I find that your plea is entered knowingly and voluntarily and
25 is supported by an independent basis in fact containing each of

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1 the essential elements of the offenses, I accept your guilty
2 plea and I adjudge you guilty of the offenses to which you have
3 pleaded.

4 Mr. Cohen-Pavon, the probation department will now
5 prepare a presentence report to assist me in sentencing you.
6 You will be interviewed by the probation department. It's very
7 important that the information you provide to the probation
8 department be truthful and accurate. The presentence report is
9 very important to me in my decision as to what your sentence
10 will be.

11 You and your lawyers will have the opportunity to
12 review the presentence report to challenge anything contained
13 in the report and then to speak on your behalf at sentencing.

14 I don't like control dates, so if the government can
15 give me some reasonable estimate as to what a reasonable
16 sentencing date is, we'll set that as the sentencing date.

17 MR. HOBSON: Your Honor, it would be after the trial
18 in this matter, which I think, based on prior discussions with
19 the Court, we anticipate happening within the next year. Would
20 the Court be okay with a date that's a year out?

21 THE COURT: Yes.

22 MR. HOBSON: Why don't we do actually -- why don't we
23 do a year and three months out?

24 THE COURT: Okay.

25 MR. HOBSON: Which would be three months after a

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1 potential trial date. And we can, of course, come back to the
2 Court if that changes.

3 THE COURT: Absolutely.

4 MR. HOBSON: We would also request that the
5 presentence report not be ordered until we're approaching that
6 date.

7 THE COURT: Sure. Of course.

8 Tell the probation department to hold off any
9 presentence report until a time at least two months before the
10 proposed sentencing date.

11 THE DEPUTY CLERK: Normally, since he's on bail, they
12 want three months.

13 THE COURT: Three months.

14 THE DEPUTY CLERK: Or further order of the Court?

15 THE COURT: Yes. Fine.

16 THE DEPUTY CLERK: The Court is giving notice to the
17 probation department that there be no PSI, which means a
18 presentence investigation, or PSR, presentence report, until
19 further order of the Court.

20 THE COURT: Sentencing date?

21 THE DEPUTY CLERK: December 11th at 11 a.m.

22 THE COURT: December 11th.

23 THE DEPUTY CLERK: 2024.

24 THE COURT: 2024, at 11 a.m.

25 The defense submission should be given at least 14

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1 days before sentence, the government's submission at least
2 eight days before sentence.

3 No changes in the defendant's release? Is that right?

4 MR. HOBSON: That's correct, your Honor.

5 THE COURT: Mr. Cohen-Pavon, I fixed the date for
6 sentence. Do you understand that if you fail to return to my
7 courtroom on the date fixed for sentence or any adjourn date,
8 you will be guilty of a criminal offense for which you could be
9 sentenced to prison wholly separate and apart from and in
10 addition to any sentence that you may receive for the crimes to
11 which you just entered a plea of guilty.

12 Do you understand that?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Do you also understand I'm continuing all
15 of the conditions of your release and the violation of any of
16 those conditions can have serious consequences for you.

17 Do you understand that?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Anything else?

20 MR. HOBSON: No, your Honor.

21 MR. BROWN: No, your Honor.

22 For the avoidance of doubt, my client's excused from
23 any further appearances, at status conferences until the
24 sentencing? Is that fair?

25 THE COURT: Yes.

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MR. BROWN: Thank you.

THE COURT: The government had raised the issue about the prior proceedings were not docketed or sealed. There's no reason for any further sealing or any delay in docketing, right?

MR. HOBSON: Not from the government's perspective.

THE DEPUTY CLERK: So the clerk can file the minute entry into the court docket?

MR. HOBSON: Yes, your Honor.

THE COURT: Yes.

And I'm returning Court Exhibit 1 to the government.

I assume the September 5 letter can also be docketed.

MR. HOBSON: No objection to that, your Honor.

THE COURT: But the Court Exhibit 1 is never docketed and I'm returning Court Exhibit 1 to the government.

Good afternoon, all.